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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

RICHARD HELMS,)	Case No. 3:11-cv-00062-TMB
)	
Plaintiff,)	
)	
vs.)	MOTION TO DISMISS
)	COMPLAINT WITHOUT
BRADLEY LOGAN, M.D. and)	PREJUDICE FOR FAILURE TO
NORTON SOUND HEALTH)	EXHAUST ADMINISTRATIVE
CORPORATION, An Alaska)	REMEDIES UNDER THE FTCA
Corporation,)	
)	
Defendants.)	
_____)	

The United States moves, pursuant to FRCP 12(b)(1), to dismiss Plaintiff's
Complaint without prejudice for failure to properly exhaust the administrative remedies
under the Federal Tort Claims Act, 28 U.S.C. §2675, which is a jurisdictional prerequisite

to filing this tort lawsuit against the United States.¹ This motion is supported by the concurrently filed memorandum and the pleadings and exhibits referenced therein.

RESPECTFULLY SUBMITTED May 4, 2011, in Anchorage, Alaska.

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s/Gary Guarino
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CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2011,
a copy of the foregoing **MOTION TO
DISMISS THE COMPLAINT
WITHOUT PREJUDICE FOR
FAILURE TO EXHAUST
ADMINISTRATIVE CLAIM**
was served electronically on:

Richard J. Helms

and via U.S. Mail on:

Bradley Logan, M.D.
13046 Race Track Rd. #242
Tampa, FL 33626

s/Gary M. Guarino

¹ The United States has filed a Motion to Substitute for Norton Sound Health Corporation as the proper party Defendant. [Docket 6]